

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**SEP 26 2002**

**PATRICK FISHER**  
Clerk

UNITES STATES OF AMERICA,

Plaintiff - Appellee,

v.

HAROLD GLEN CLAYTON,

Defendant - Appellant.

No. 01-7093

(D.C. No. 01-CV-106-P, 98-CR-25-1)

(E.D. Oklahoma)

**ORDER AND JUDGMENT\***

Before **EBEL, KELLY**, and **LUCERO**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously to honor the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument.

Appellant's Appendi claims are barred under United States v. Mora, 293 F.3d 1213 (10th Cir. 2002) and procedural bar. Appellant's ineffective assistance

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

of counsel claims were properly denied because of procedural bar, failure to show either actual conflict of interest or prejudice, and because the claims are conclusory and not supported in the record.

We have examined all of the claims raised by Appellant on appeal and find that none of them have merit.

Accordingly, the district court order denying petitioner's petition for relief under 28 U.S.C. § 2255 is AFFIRMED.

ENTERED FOR THE COURT

David M. Ebel  
Circuit Judge